

AO 91 (Rev. 02/09) Criminal Complaint

DEC 16 2010

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

David J. Bradley, Clerk of Court

United States of America

v.

Ruth GONZALEZ

Defendant

Case No. C-10-1339 m

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 12/14/2010 in the county of Brooks in the Southern District of Texas, the defendant violated 21 U. S. C. § 841(a)(1)

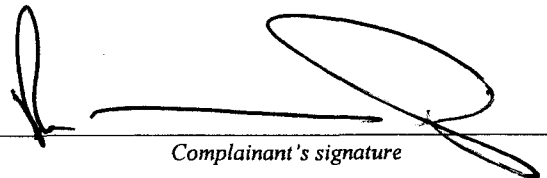
, an offense described as follows:

knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule I of the Controlled Substance Act of 1970, to wit: 18.47 kilograms (approximate gross weight) of marijuana.

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.


Complainant's signature

Reinaldo Mercado Jr., Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: December 16 2010
at 11:00 am

City and state: Corpus Christi, Texas


Judge's signature

B. Janice Ellington, US Magistrate Judge
Printed name and title

On December 14, 2010, Border Patrol Agent (BPA) Jose G. Mares, was working the primary inspection lane at the U.S. Border Patrol Checkpoint located thirteen miles south of Falfurrias, Texas on U.S. Highway 281. Assisting at the primary lane was BPA Eric Rubio with service canine Bobby. At approximately 6:05 pm, a red Ford Focus bearing license plates TX Y43-CTJ approached the primary inspection lane. BPA Mares noticed one visible occupant in the vehicle.

As the vehicle came to a stop, the driver (later identified as GONZALEZ, Ruth) handed BPA Mares a Texas Driver License. BPA Mares noticed that GONZALEZ'S hands were shaking when GONZALEZ handed the driver's license. BPA Mares asked if GONZALEZ was a United States citizen. GONZALEZ claimed to be a United States citizen. BPA Mares noticed GONZALEZ was traveling alone and asked where GONZALEZ was going. GONZALEZ was traveling to Corpus Christi, Texas to visit a sister.

As BPA Mares was conducting the immigration inspection, BPA Rubio was performing a non-intrusive air sniff of the exterior of the vehicle. Agent Rubio advised BPA Mares that BPA Rubio's canine was alerting to the vehicle. BPA Mares asked GONZALEZ for consent to inspect the interior of the vehicle and if GONZALEZ had any belongings in the trunk. GONZALEZ answered that it was only GONZALEZ'S luggage. GONZALEZ gave agents consent and directed to park the vehicle in the secondary area for further inspection.

Once in secondary, GONZALEZ was seated on a bench and BPA Mares continued a conversation with GONZALEZ. GONZALEZ was traveling from Edinburg and was traveling to Corpus Christi, Texas. BPA Mares noticed that GONZALEZ was constantly moving around on her seat during the conversation.

Agent Rubio informed BPA Mares that the canine had alerted again to the interior of the vehicle and that he (BPA Rubio) wanted the vehicle's back seat removed. GONZALEZ was escorted inside the checkpoint for safety reasons.

As Agent Rubio proceeded to inspect the interior of the vehicle, the back seat was removed and a trap door was discovered and removed. Once the door was opened, several bundles were discovered wrapped in black plastic concealed in an after-market compartment under the rear back seat and disguised as part of the trunk of the vehicle. One of the bundles was cut open and it revealed a green leafy substance which was later identified as marijuana. A total of 24 bundles were removed from the vehicle weighing 40.65 pounds (18.47 kilograms) of marijuana.

BPA Mares placed Ruth GONZALEZ under arrest. BPA Mares advised GONZALEZ of the Miranda Warning Rights in the English Language as witnessed by BPA Rubio. Agent Eric Rubio asked if GONZALEZ wished to make a statement and GONZALEZ freely stated that she (GONZALEZ) bought the vehicle in Donna, Texas about two months ago. GONZALEZ bought the vehicle from a car lot just off the highway from a person named Matias. GONZALEZ was also questioned by Agent Rubio about the

marijuana in the vehicle and GONZALEZ claimed no knowledge of any narcotics hidden in the vehicle. No further questions were asked.

GONZALEZ, the marijuana, and the vehicle were turned over to Drug Enforcement Administration.

On 12-15-2010, Drug Enforcement Administration Special Agents (SA) Rey Mercado and SA Ronny Palm arrived at the Falfurrias, TX BPCP. SA Mercado took custody of Ruth GONZALEZ and evidence in this case. SA Mercado advised GONZALEZ of the Miranda Warning Rights as witnessed by SA Palm. Ruth GONZALEZ agreed to speak to agents without an attorney being present. GONZALEZ gave agents a verbal statement in which GONZALEZ admitted to transporting the marijuana from the Rio Grande Valley to Lady Lake, Florida to unknown persons. GONZALEZ was to be paid \$56.00 US currency per pound for the transport.

Ruth GONZALEZ was transported by SA Mercado and SA Palm to the Coastal Bend Detention Center near Robstown, Texas. The evidence in this case was transported to the DEA Office in Corpus Christi, Texas for processing.

The amount of drug seized infers the intent to distribute. AUSA Ken Cusick gave verbal authorization for the prosecution of Ruth GONZALEZ.